

blame entirely at the feet of either party. In fact, this has happened under the control of different parties. It has happened with Senates and Houses of Representatives and White Houses of every conceivable partisan combination. We have seen the de facto outsourcing of our lawmaking authority to unelected, unidentifiable bureaucrats; men and women who, while well-educated, well-intentioned, hard-working, and highly specialized, don't work for the people. They don't work for you. You do not have the ability to elect them or unelect them.

You don't have the authority to replace them. That is why it is so dangerous for us to give them this sweeping authority. And even where they don't technically have authority that extends very far—and in this case, it is far too far, as evidenced by the fact that anytime you get on an airplane or other mode of public transportation, you are told that, under penalty of Federal law, you must wear a mask.

But I would ask, where is the act of Congress providing that? In what year did the Congress of the United States pass through the House and through the Senate and submit to the President of the United States for signature or veto a law stating that you must wear a mask on a plane or a train or a bus or in a bus depot or in a train station or in an airport under penalty of Federal law? There is no such law. You will not find it.

Now, you will find some other stuff in which we delegated far too much authority and given broad authority to the executive branch—to people like the CDC—to issue regulations. But as a matter of proper form, whenever they exercise that power, it is not appropriate for that to take effect by itself. It is not really a law in the constitutional sense of the word unless Congress has enacted it.

We have given them far too much power anyway. That is on us. We shouldn't do that. That is why I have been calling for years for reforms to this; why I have been calling for years for reforms, including but not limited to the REINS Act, which would require for any economically significant Federal regulation, before it takes effect, it must be passed by both Houses of Congress and presented to the President for signature or veto. It is why I have introduced the Global Trade Accountability Act, which would do for trade policy what the REINS Act does for regulatory policy. It is why we need to reform so many aspects of our laws, where we, as a practical matter, made the unelected and the unaccountable the supreme lawgivers, the lawmakers, law interpreters, and law enforcers.

This is not just something that can lead to tyranny; it is the very definition of tyranny, as every signer of the U.S. Constitution understood well. It is why they went to great lengths to separate out these three branches of government.

In addition to those problems with these edicts not based on science or

medicine but based on political considerations that are ever-changing—it is why they are so sweeping. It is why they are so troubling.

But they are maybe even more troubling, still, for the additional constitutional reason that, at the end of the day, to whatever degree these are not rooted in medical science and fact—which I believe they are not or at least the CDC hasn't established as much, and they really do amount to something compelling expressive conduct, the suppression of an official orthodoxy mandated by the government—we shouldn't accept this. We shouldn't accept any affirmative legal obligation placed on those we represent, to whom and for whose been we have sworn an oath to uphold, protect, and defend the Constitution of the United States, which requires us to make any law we force on the American people. We have an obligation to them, a solemn obligation to make sure they are not subject to laws made by those not of their own choosing.

It is these very features that James Madison had in mind when he authored Federalist No. 62. When he wrote, and I am paraphrasing a little bit here: It will be of little benefit to the American people that their laws may be written by men of their own choosing if those laws be so voluminous, complex, and ever-changing, if they can't reasonably understand what the law means and predict what it will say from one day to the next.

Today—this week even—we have seen the law be so unpredictable and ever-changing, that we can't expect what the law says from one day to another. But even worse, contrary to what Madison assumed would always be the case because the Constitution required it, the laws aren't even being written by men and women of our own choosing but instead by unelected, unaccountable bureaucrats who, despite how well-educated, well-intentioned, hard-working, and highly-specialized they may be, don't work for you, nor do they have authority under this document, to which we have all sworn an oath, to make laws.

That is our power. Shame on us if we relinquish to them the power that only we can exercise, that is, itself, nondelegable. Shame on us, further, if we allow those same people who, lacking the authority to legislate in the first instance, then transgress another affirmative constitutional command by compelling compliance with official government-mandated orthodoxy.

This cannot be. This cannot stand. I will not stand for it, and I will continue to draw attention to this issue until we have resolved the problem.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HEINRICH. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, and all nominees on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, Navy, and Space Force; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Paul T. Calvert

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donna W. Martin

IN THE NAVY

The following named officer for appointment as Judge Advocate General of the Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8088:

To be vice admiral

Rear Adm. Darse E. Crandall, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

to be vice admiral

Rear Adm. Daniel W. Dwyer

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Anthony J. Cotton

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Christopher J. Mahoney

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. Stephen D. Sklenka

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be general

Lt. Gen. Michael A. Minihan

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin B. Schneider

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., Section 601:

To be lieutenant general

Maj. Gen. Tom D. Miller

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., Section 601:

To be lieutenant general

Maj. Gen. James A. Jacobson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Mark E. Weatherington

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

Maj. Gen. Antonio M. Fletcher

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Gregory K. Anderson
 Brig. Gen. Milford H. Beagle, Jr.
 Brig. Gen. Mark S. Bennett
 Brig. Gen. Gregory J. Brady
 Brig. Gen. Edmond M. Brown
 Brig. Gen. Timothy D. Brown
 Brig. Gen. Curtis A. Buzzard
 Brig. Gen. Robert M. Collins
 Brig. Gen. Kimberly M. Colloton
 Brig. Gen. Johnny K. Davis
 Brig. Gen. Thomas R. Drew
 Brig. Gen. Christopher L. Eubank
 Brig. Gen. Marcus S. Evans
 Brig. Gen. Brian W. Gibson
 Brig. Gen. Thomas L. James
 Brig. Gen. John V. Meyer, III
 Brig. Gen. Duane R. Miller
 Brig. Gen. Antonio V. Munera
 Brig. Gen. John L. Rafferty, Jr.
 Brig. Gen. Joshua M. Rudd
 Brig. Gen. Joseph A. Ryan
 Brig. Gen. Michelle A. Schmidt
 Brig. Gen. James M. Smith
 Brig. Gen. Brett G. Sylvia
 Brig. Gen. William D. Taylor
 Brig. Gen. William L. Thigpen
 Brig. Gen. Matthew J. Vanwagenen
 Brig. Gen. Joel B. Vowell
 Brig. Gen. Todd R. Wasmund

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army in the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Derek N. Lipson

IN THE MARINE CORPS

The following named officer for appointment as Assistant Commandant of the Marine Corps and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8044:

To be general

Lt. Gen. Eric M. Smith

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Daryl L. Caudle

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. James W. Kilby

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Frank D. Whitworth, III

IN THE SPACE FORCE

The following named officer for appointment in the United States Space Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael A. Guetlein

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN824 AIR FORCE nominations (529) beginning MACMILLAN M. ACHU, and ending ZACHARY L. ZORN, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN825 AIR FORCE nominations (173) beginning VINCENT P. ADAMO, and ending STEPHANY S. ZARIFA EWERS, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN826 AIR FORCE nominations (170) beginning JOHN K. AHN, and ending CRAIG M. ZINCK, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN827 AIR FORCE nominations (165) beginning JONATHAN V. ABUEG, and ending AXEL A. ZENGOTITA, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN828 AIR FORCE nominations (38) beginning KURT C. ANTONIO, and ending KARRIE E. WRAY, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN829 AIR FORCE nominations (59) beginning LORREN D. ANDERSON, and ending LEAH M. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN830 AIR FORCE nomination of Kjall Gopaul, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN879 AIR FORCE nomination of Gavin N. Unverferht, which was received by the Senate and appeared in the Congressional Record of July 15, 2021.

IN THE ARMY

PN831 ARMY nominations (28) beginning ANDREA C. ALICEA, and ending

GIOVANNY F. ZALAMAR, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN832 ARMY nominations (143) beginning ERIC B. ABDUL, and ending CAMERON S. WOLTERSTORFF, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN833 ARMY nominations (33) beginning PETER P. ALERIA, and ending D016099, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN834 ARMY nominations (72) beginning TRENTON G. ADAMS, and ending AMANDA J. ZELNICK, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN835 ARMY nominations (295) beginning SAIRA AHMED, and ending ANTONIO B. ZIHERL, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN838 ARMY nomination of Sean B. Baker, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN839 ARMY nomination of Nina A. McCoy, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN840 ARMY nomination of Aaron T. Hill, Jr., which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN841 ARMY nomination of Alexander L. Ailer, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN842 ARMY nomination of Neil J. Myres, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN843 ARMY nomination of Melissa M. Joy, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN844 ARMY nomination of Jeffrey C. Schwab, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN880 ARMY nomination of Bonnie L. Riortella, which was received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN881 ARMY nomination of Winston S. Williams, Jr., which was received by the Senate and appeared in the Congressional Record of July 15, 2021.

IN THE FOREIGN SERVICE

PN359 FOREIGN SERVICE nominations (2) beginning Jeanne Frances Bailey, and ending Bruce J. Zanin, which nominations were received by the Senate and appeared in the Congressional Record of April 13, 2021.

PN477 FOREIGN SERVICE nominations (2) beginning Russell Anthony Duncan, and ending Mark Clayton Prescott, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2021.

PN478 FOREIGN SERVICE nomination of Marc Clayton Gilkey, which was received by the Senate and appeared in the Congressional Record of April 27, 2021.

PN479 FOREIGN SERVICE nominations (4) beginning Susannah Holmes, and ending Aaron Rodgers, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2021.

PN724 FOREIGN SERVICE nominations (41) beginning Gabriel J. Allison, and ending Amanda M. Zeidan, which nominations were received by the Senate and appeared in the Congressional Record of June 22, 2021.

PN727 FOREIGN SERVICE nominations (14) beginning Wade C. Martin, and ending

Fernando Ospina, which nominations were received by the Senate and appeared in the Congressional Record of June 22, 2021.

IN THE MARINE CORPS

PN845 MARINE CORPS nomination of Ryan M. Oleksy, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN846 MARINE CORPS nomination of Justin D. Amthor, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN847 MARINE CORPS nomination of Rory L. Aldridge, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN848 MARINE CORPS nomination of Brian D. Turner, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN882 MARINE CORPS nomination of Jared K. Stone, which was received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN883 MARINE CORPS nomination of Justin K. Sing, which was received by the Senate and appeared in the Congressional Record of July 15, 2021.

IN THE NAVY

PN849 NAVY nominations (2) beginning ADAM M. KLEIN, and ending ROBERT A. PETRICK, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN850 NAVY nominations (2) beginning JEFFREY D. PIZANTI, and ending THOMAS E. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN851 NAVY nominations (3) beginning ANDREW P. BREKSA, III, and ending MATTHEW C. WARD, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN852 NAVY nominations (4) beginning JEFFREY BENNINGTON, and ending CARMEN N. EHRET, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN853 NAVY nominations (2) beginning KATHRYN M. BALL, and ending ANDREA H. FRANKS, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN854 NAVY nominations (12) beginning HEIDI E. COCHRAN, and ending JOHN T. ZABLOCKI, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN855 NAVY nominations (2) beginning ANDREW R. KOTILA, and ending LEONARD K. PAYNE, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN856 NAVY nominations (2) beginning DUSTIN A. ELLIS, and ending LAURA A. PRICE, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN857 NAVY nomination of Chantal J. Bhan, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN858 NAVY nominations (3) beginning KENNETH HELMAN, and ending ERIN E. MEEHAN, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN859 NAVY nomination of Andrew T. Rucker, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN860 NAVY nomination of VJ Omundson, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN861 NAVY nominations (87) beginning MATTHEW K. AHLERS, and ending

GRETCHEN L. WOODARD, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN862 NAVY nominations (2) beginning DESERINE S. PRICEJORDAN, and ending KELLY A. VARONFAKIS, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN863 NAVY nominations (3) beginning ADAM S. BASHAW, and ending SONJA M. M. LOHMEYER, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN864 NAVY nominations (7) beginning CARMELITA S. FLEMING, and ending CRAIG R. SCHOENE, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN865 NAVY nomination of James E. Coleman, Jr., which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN866 NAVY nomination of Theodore M. Menke, which was received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN867 NAVY nominations (10) beginning EDWIN J. DUCAYET, and ending KIPP T. TEAMEY, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2021.

PN884 NAVY nomination of Kerri R. Fuhs, which was received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN885 NAVY nomination of Jesse D. King, which was received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN886 NAVY nominations (2) beginning RANDALL G. HODO, and ending GAVIN A. SANJUME, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN887 NAVY nominations (2) beginning DAVID W. DAVIS, II, and ending JONATHAN K. MARKRICH, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN888 NAVY nominations (7) beginning GLENN M. EBERHART, and ending STEVEN J. PETRACEK, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN889 NAVY nominations (21) beginning SCOTT A. ASKEVICH, and ending DANIELLE J. WILHELM, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN890 NAVY nominations (4) beginning JEFFREY BENSON, and ending ELMER F. RILEY, III, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN891 NAVY nominations (8) beginning ROBERT J. ALWINE, II, and ending DARREN S. WALL, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN892 NAVY nominations (6) beginning JULIA L. AZURIN, and ending MARYELLEN V. WETMORE, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN893 NAVY nominations (9) beginning RYAN A. BAUM, and ending DAWN L. WYNN, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

PN894 NAVY nominations (8) beginning BERNARD H. HOFMANN, and ending HOI S. WONG, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2021.

IN THE SPACE FORCE

PN895 SPACE FORCE nomination of John P. Smail, which was received by the Senate and appeared in the Congressional Record of July 15, 2021.

EXECUTIVE CALENDAR

Mr. HEINRICH. I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 163 and 164; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the Record; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Frank A. Rose, of Massachusetts, to be Principal Deputy Administrator, National Nuclear Security Administration; and Deborah G. Rosenblum, of the District of Columbia, to be an Assistant Secretary of Defense.

There being no objection, the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Rose and Rosenblum nominations, en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. HEINRICH. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL WHISTLEBLOWER APPRECIATION DAY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the attached speech, which I delivered in honor of National Whistleblower Appreciation Day, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL WHISTLEBLOWER APPRECIATION DAY
JULY 29, 2021

Each year on July 30th, we take time to celebrate whistleblowers and the important role they play in keeping our government transparent and accountable.

But as you folks know, the task of supporting whistleblowers doesn't start and stop on July 30th.